

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 435 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and
MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

KAMALSINH RANVIJAYSINH THAKUR

Appearance:

PUBLIC PROSECUTOR for Petitioner
MR KB ANANDJIWALA for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT and
MR.JUSTICE A.K.TRIVEDI

Date of decision: 14/08/98

ORAL JUDGEMENT

1. Mr.Anandjiwala, Ld.Advoate for original accused has submitted application dated 11.8.98 stating that the original accused has been murdered during the pendency of appeal and therefore under section 394 of Cr.P.C. appeal

shall stand abated. In support of his application he has also placed on record the true copy of FIR, Postmortem note and death certificate. Ld.Addl.PP Mr.Raval has also placed on record the FAX message received from the Supdt.of Police, Kutch,Bhuj dated 11.8.98 whereby death due to murder of the respondent-original accused is also confirmed. Under the circumstances, the provisions of Section 394 of Cr.P.C. are attracted. This appeal being acquittal appeal shall finally stand abated on the death of original accused. Accordingly, appeal stands disposed of as abated.

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